



ATTORNEY'S DOCKET NO. 0492611-0315/MIT 6196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Griffith-Cima et al. Examiner: D. Naff
Serial No.: 09/008,945 Art Unit: 1651
Filing Date: January 20, 1998
Title: TISSUE FORMATION BY INJECTING A CELL-POLYMERIC SOLUTION
THAT GELS IN VIVO

☐ *Patent No.: Issue Date:

**NOTE: Preferably also insert inventor's name and invention title.*

Assistant Commissioner of Patents
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION
(37 CFR 1.321(c))**

Identification of Person(s) Making This Disclaimer

I, Sam Pasternack

(a) represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.

WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.

- ☐ a representative authorized to sign on behalf of the assignee identified below.

WARNING: See the above "WARNING".

- ☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.
(if applicable)

#16 Terminal
Disclaimer
w/attach-
11/29/99



The assignees are:

Names of assignees: Children's Medical Center Corporation (CMCC) and
Massachusetts Institute of Technology (MIT)

Address of assignees: Children's Medical Center Corporation
55 Shattuck Street
Boston, MA 02115

Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139

Title of disclaimant authorized to sign on behalf of assignee: _____

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

☒ [X] the whole of this invention.

☐ [] a sectional interest in this invention, as follows:

(state the exact interest of the disclaimant)

Recordal of Assignment in PTO

(if applicable)

☒ An assignment from Inventor Griffith-Cima to MIT was recorded on: March
21, 1994

Reel: 6909

Frame: 0296

☒ An assignment from Inventors Atala and C. Vacanti to CMCC was recorded
on: March 21, 1994

Reel: 6909

Frame: 0292

☒ An assignment from Inventor Paige to CMCC was recorded on: July 6, 1993

Reel: 6626



Frame: 0675

- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

Establishing Right of Assignee to Take Action

(if applicable)

- ☐ Attached is a CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.
- ☒ A CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to take action in this case was previously filed on: Mar 16, 1994. Certificates were filed for both MIT and CMCC

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patents Nos. 5,709,854 and 5,667,778, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number 0 / _____,

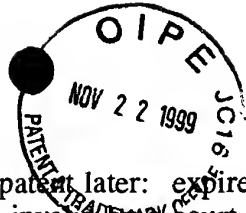
is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

- ☒ United States Patents Nos. 5,709,854 and 5,667,778,
- ☐ Any patent granted on application number 0 / _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patents Nos. 5,709,854 and 5,667,778, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number 0 / _____



in the event that either patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

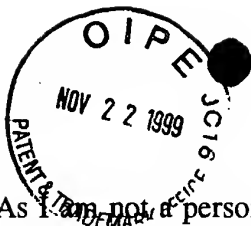
Fee Status
(37 CFR 1.20(d))

- ☒ Other than a small entity—fee \$110.00
- ☐ Small entity—fee \$55.00.
 - ☐ A verified statement is attached.
 - ☐ A verified statement was already filed on: _____.

Fee Payment

- ☒ Attached is a check in the sum of \$110.00.
- ☒ Charge Account 03-1721 for any fee deficiency.
- ☐ Charge Deposit Account 03-1721 the sum of \$110.00.

A duplicate of this disclaimer is attached.



Declaration

As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Signature of disclaimant

Date: _____

Sam Pasternack

Registration Number: 29,576

Date: November 17, 1999

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on 11/17/99